



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: EVERGREEN NO. 189

DATE: April 21, 2004

Approved

Date

COUNCIL DISTRICT: 8

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Evergreen No. 189 which involves the annexation to the City of San José of 2.11 gross acres of land located at the east side of Ruby Avenue, approximately 250 feet northerly of Murillo Avenue and the detachment of the same from the Santa Clara County Central Fire Protection, and Area No. 01 (Library Services).

BACKGROUND

On October 21, 2003, the City Council adopted the rezoning from County to A(PD) Planned Development Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 652-13-001 and the detachment from Santa Clara County Central Fire Protection, and Area No. 01 (Library Services).

ANALYSIS

The reorganization is defined as 100 percent consent, since the property is owned by one entity that signed the annexation application. There are no registered voters.

The proposed annexation would reduce the size of an existing County pocket and the land is within the City's Urban Service Area (USA). This parcel is surrounded by City territory on the west and south, with County territory on the north and east. The proposed reorganization and annexation of the subject site conforms to the City's General Plan and Santa Clara County LAFCO policies specifying that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, which grant the City conducting authority and allow the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. **The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO.** *The site is located within the City's Urban Service Area.*
2. **The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.** *The County Surveyor has certified the boundaries of the reorganization.*
3. **The proposal does not split lines of assessment or ownership.** *The affected parcel is being reorganized in its entirety.*
4. **The proposal does not create islands or areas in which it would be difficult to provide municipal services.** *No such islands are being created.*
5. **The proposal is consistent with the City's adopted General Plan.** *The proposed annexation is consistent with the City's adopted policies within the General Plan, as well as LAFCo and County of Santa Clara policy that specify existing and future urban developed by located within cities.*
6. **The territory is contiguous to existing City limits.** *The area proposed to be reorganized is contiguous to the City limits along sides shown on the attached map.*
7. **The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area.** *No such conditions have been imposed.*

PUBLIC OUTREACH

A notice of the public hearing for the rezoning (PDC02-047) was distributed to the owners and tenants of all properties located within 500 feet of the project site.

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

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CEQA

Mitigated Negative Declaration, PDC02-047.

STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Mr. Akbar Syed, South Bay Islamic Association, 325 N. 3rd Street, San José, CA 95112

207-07/JB:ll